



DECISION MEMO

Peasley Creek Culvert Replacement Project

USDA Forest Service, Northern Region
Nez Perce – Clearwater National Forests
Salmon River Ranger District
Idaho County, Idaho



I. Background

After having reviewed relevant data, analyses, and public comments relating to this proposal, I have decided to replace an existing culvert on Peasley Creek in the Salmon River Ranger District in Township 29 North, Range 5 East, Section 27 (Boise Meridian).

II. Purpose and Need

Peasley Creek, a tributary to the South Fork Clearwater River (SFCLWR), provides ideal spawning and rearing habitat for Snake River steelhead, a “Threatened” species under the Endangered Species Act. Steelhead designated critical habitat is present at the confluence of Peasley Creek and the mainstem of the SFCLWR. While the culvert currently on Hwy 14 at Peasley Creek accommodates most high flow events, it acts as a barrier to aquatic organisms, including Snake River steelhead, due to high flow velocities and a drop at the outlet. The proposed action is needed in order to provide the appropriate sized culvert for 100-year storm flows and to allow for aquatic organism passage including fish at the site. Replacing the existing culvert would reconnect the SFCLWR with over eight miles of upstream habitat.

Project Design / Environmental Mitigation

The Salmon River Ranger District of the Nez Perce – Clearwater National Forest, in partnership with the Nez Perce Tribe and the Idaho Transportation Department, proposes to replace the existing culvert on Peasley Creek at milepost 23 of State Hwy 14. Project work will take place during the low water flow period, generally between July and the end of September.

A contractor working for the Idaho Transportation Department (ITD) will remove the existing culvert, which will include clearing the vegetation around the crossing, excavation of the road and the fill over the pipe. There may be additional excavation to accommodate concrete footers (foundations) for the pipe itself. The contractor will ensure the channel is to grade, and install a new bottomless structural plate arch culvert. Once installed, the contractor will re-build the road prism, provide erosion control on the new fill slopes, and resurface the road.

Excavators, dozers, and dump trucks will be used primarily for project work, but a crane (for culvert removal and placement), and a compacting roller and a grader for final road surfacing may also be used as needed. Temporary traffic delays are expected but one lane of Highway 14 will be open for the duration of the project to minimize impacts to traffic.

Design Criteria include:

- All Best Management Practices (BMP) for culvert replacements will be implemented including those for invasive plant management (equipment cleaning and inspection), and water quality, which include erosion control measures, fish salvage, a stream de-watering and re-watering plan, washing of stream substrate prior to re-watering, and turbidity monitoring, if required.
- Mechanical support will follow BMPs for fuel storage and machine fueling to minimize the risk of a fuels spill into live water. The contractor will have fuel spill containment supplies onsite in the event of a fuel spill and their employees would be trained in the proper application and use of those materials.

Project Implementation: Construction will start in July 2017 and should last 3 - 5 weeks during the instream work window. Work would follow any terms and conditions imposed by the ESA regulatory agencies

III. Rationale for Decision and Reasons for Categorically Excluding the Decision

Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined this project is not significant in either context or intensity (40 CFR 1508.27), that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined in 36 CFR 220.6(e)(18): *Installing a newly-designed structure that replaces an existing culvert to improve aquatic organism passage and prevent resource and property damage where the road or trail maintenance level does not change.*

The rationale for my decision is based on: (1) the proposed action fully meeting the criteria for Categorical Exclusions, (2) the proposed action meeting the purpose and need, (3) the findings related to extraordinary circumstances, discussed below, (4) the project's consistency with laws and regulations, (5) the on-the-ground review and discussion with District resource specialists, and (6) my review of the Biological Assessments (BA), Biological Evaluations (BE), and specialists' reports.

Finding of the Absence of Extraordinary Circumstances to Resource Conditions

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat or Forest Service sensitive species.

The Forest Interdisciplinary (ID) Team Botanist determined the project would have "no effect" to federally listed plant species and/or their habitats, and "no impact" to Regional Forester's sensitive species or their habitats.

The ID Team Wildlife Biologist determined the project would have "no effect" to Canada lynx and "no jeopardy" to North American wolverine or their habitats. A "may adversely impact individuals or habitat" determination was made for bald eagle, flammulated owl, pygmy nuthatch, white-headed woodpecker, fisher, fringed, long-eared and long-legged myotis, gray wolf, and Western (boreal) toad. Overall, the effects, i.e. avoidance of the project area during

implementation due to disturbance, would be of short duration and would not result in a loss of viability, nor cause a trend towards federal listing or a loss of species viability range wide. The project would have no impacts to the species habitats.

The Interdisciplinary Team Fish Biologist determined the proposed actions would be “not likely to adversely affect” steelhead trout, a federally threatened species, because the species occurs within the project area. However, the project will not affect steelhead habitat or population abundance and viability. Over the long term the project would have beneficial effects on the species. A “no effect” determination was made for Bull trout and fall Chinook salmon. The Forest consulted with the US Fish and Wildlife Service and National Marine Fisheries Service, using the USFS, Region 1 “Stream Crossing Programmatic”, and determined that any effects to steelhead would be limited, due to project timing, mitigations, and best management practices.

Interior redband trout occur in Peasley Creek, but the project will have beneficial effects on the species and its habitat. It will not affect the species habitat or population abundance and viability. A “no impact” determination was made for Spring Chinook salmon, Coho salmon, westslope cutthroat trout, Pacific lamprey, brook trout, and Western pearlshell mussel.

Based on the above assessment, no effects exist that will cause an incremental cumulative effect and no extraordinary circumstances were identified for these resources. For the complete analyses, see the Fishery, Wildlife and Botany Biological Assessments and Evaluations and specialists’ reports in the project record.

2. Floodplains, wetlands, or municipal watersheds.

The Forest Hydrologist has made the following determinations:

- Floodplains: The Project will not modify or occupy floodplains to an extent greater than already exists. As such, there will be no adverse impacts to floodplains; thereby complying with EO 11988 and FSH 1909.15, Chapter 30.3.2.
- Wetlands: The Project does not propose to modify or destroy wetlands. As such, the Project will not adversely affect wetlands; thereby complying with EO 11990 and FSH 1909.15, Chapter 30.3.2.
- Municipal Watersheds: The Project area is not located within a municipal watershed. As such, the Project will not adversely affect municipal watersheds; thereby complying with FSH 1909.15, Chapter 30.3.2.

The proposed project is also consistent with all applicable State and Federal water quality laws because project design criteria and best management practices (BMPs) have been included to protect water resources. Minor to moderate beneficial effects to water resources are expected from proposed actions.

Based on this analysis, no extraordinary circumstances were identified regarding the effects to water quality of streams within the area; downstream waters; or resources in floodplains, wetlands, and municipal watersheds.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.

The project is not located in a wilderness, wilderness study area or a national recreation area.

4. Inventoried Roadless areas or potential wilderness areas.

The project is not located in a potential wilderness area; therefore, the proposed action will have no effect on Roadless characteristics as identified in 36 CFR 294.

5. Research Natural Areas.

The proposed activities are not within or adjacent to any Research Natural Areas.

6. American Indians and Alaska native religious or cultural sites.

The Forest Cultural Resource Specialist has determined the above project has little likelihood to adversely affect cultural properties. As a result, a *No Inventory Decision* has been made. Therefore, no extraordinary circumstances were identified to native religious or cultural sites.

7. Archaeological sites or historical properties or areas.

The Idaho State Historic Preservation Officer, or the Forest Archaeologist via the use of the North Idaho Programmatic Agreement, has determined that no archaeological or historic property will be adversely affected by this project. Therefore, no extraordinary circumstances were identified to these resources.

IV. Interested and Affected Agencies, Organizations, and Persons Contacted

On May 27, 2016,, letters providing information and seeking public comment were mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce Tribe. Three letters were received regarding this project during the public comment period and are addressed in Appendix A. The letters are found in the project record.

V. Findings Required by other Laws:

Based on my review of the actions associated with this project, I find that the Peasley Creek Culvert Replacement Project is consistent with applicable Federal laws and regulations, including the standards and guidelines contained in the 1987 Nez Perce National Forest Plan, as amended, as required by the National Forest Management Act of 1976. My decision also complies with all Federal, state or local laws or requirements for the protection of the environment and cultural resources, as follows:

National Forest Management Act and Nez Perce National Forest Plan: This action is consistent with the standards and guidelines contained in the 1987 Nez Perce National Forest Plan, as amended, as required by the National Forest Management Act of 1976. In addition, design features and mitigation measures ensure compliance with the act.

Forest Plan Amendment 20 - PACFISH Riparian Habitat Conservation Areas (RHCAs): All activities associated with the proposed action comply with direction regarding PACFISH (refer to the project record).

Endangered Species Act: A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialist's reports, and determined this project is consistent with the Endangered Species Act.

Clean Water Act and State Water Quality Laws: The ID Team Hydrologist has determined that this project complies with the Clean Water Act and state water quality laws, and will protect beneficial uses.

Migratory Bird Treaty Act: This project complies with the Migratory Bird Treaty Act since it will result in no substantial loss of migratory bird habitat, nor will there be any measurable impact(s) on Neotropical migratory bird populations as a whole.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to Federal agencies and requirements for permits for "take." In addition, this project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

National Historic Preservation Act: A cultural resource records search has been conducted for this project. Based on the project description a "*No Inventory Decision*" has been made for this project per stipulation V(A) of the North Idaho Cultural Resource Programmatic Agreement. Therefore, this project meets the agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

American Indian Treaty Rights: The Nez Perce Tribal staff has had the opportunity to review the project for impacts to Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights. The Nez Perce Tribe did not identify any concerns.

Other Laws or Requirements: The proposed action is consistent with all other Federal, State or local laws or requirements for the protection of the environment and cultural resources.

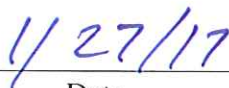
VI. Contact Person

Questions regarding this decision should be sent to Jeff Chynoweth, Small NEPA Team Coordinator, c/o Nez Perce-Clearwater Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536 or by telephone to (208) 935-4260 or FAX at (208) 935-4275 during business hours (M-F, excluding Federal holidays, 7:30 a.m. to 4:30 p.m., PST).

VII. Signature of Deciding Officer



Jeff Simon
Salmon River District Ranger



Date

cc: Anne Connor

Enclosures (3): Maps

